

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 7392**

**BILL NUMBER:** SB 438

**NOTE PREPARED:** Jan 5, 2007

**BILL AMENDED:**

**SUBJECT:** Indiana Election Commission.

**FIRST AUTHOR:** Sen. Delph

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** *Chief Election Official-* The bill designates the Secretary of State as the state's chief election official for all purposes. The bill provides that the Secretary of State serves as a member and the chair of the Election Commission.

*Election Division Matters-* The bill provides that the Election Division is administered by a director, who serves at the pleasure of the Secretary of State. The bill abolishes the current co-director positions. The bill specifies that the Election Division staff must include an assistant director nominated by the chairman of the political party whose candidate received the second highest number of votes for Secretary of State at the most recent election for that office.

*HAVA Responsibilities-* The bill removes provisions requiring the consent of the co-directors of the Election Division for state administration and implementation of the Help America Vote Act.

*Repealers & Technical Changes-* The bill makes technical changes. The bill repeals obsolete statutes relating to the co-directors of the Election Division.

**Effective Date:** Upon passage.

**Explanation of State Expenditures:** *Chief Election Official-* This provision would increase state expenditures slightly as the Secretary of State would receive reimbursement for travel and expenditures for service on the Election Commission.

*Background-* The Office of Secretary of State reverted \$149,755 to the General Fund at the end of

FY 2006.

*Election Division Matters-* This provision may reduce state expenditures with respect to salaries of the executive management of the Election Division. (The co-directors of the Division receive identical salaries.) Assuming the proposed director position were paid the same salary and an assistant director were paid less than the co-directors are currently paid, the state would see a salary savings. However, the bill would require the proposed director to employ a general counsel to serve as acting director in the absence of the director. If the proposed general counsel increased the total employment of the division, additional expenditure would be necessary for the counsel's salary and fringe benefits.

The Division currently employs two attorneys. It is possible that both positions' responsibilities could be consolidated into the proposed general counsel, which would result in a cost savings. If the general counsel were classified as a PAT 1 position (both of the Division's attorneys are classified as PAT 1), the estimated total salary and benefits would be \$57,423 in FY 2008.

*HAVA Responsibilities-* This provision would reduce the administrative responsibilities of the Election Division.

*Background-* The Indiana Election Commission, under which the Election Division operates, reverted \$55,072 to the General Fund at the end of FY 2006. The Division had 11 full-time employees and 3 vacancies as of October 3, 2006.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Secretary of State, State Election Commission, State Election Division.

**Local Agencies Affected:**

**Information Sources:** Indiana State Budget Agency: *FY 2006 Close-Out General Fund Reversion Summary*; State of Indiana Detail Staffing Report, 10/03/2006.

**Fiscal Analyst:** Chris Baker, 317-232-9851.